

REMARKS

Claims 1-5, 7, 9-11 and 13-17 of the application stand rejected. Claims 2, 4, 10, 14 and 16 have been canceled herein without prejudice to the filing of continuations and/or divisionals. Additionally, Claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 have been amended herein to more clearly define the scope of the presently claimed invention. Applicants respectfully request reconsideration of pending Claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 in light of the amendments and remarks herein.

35 U.S.C. §103

Claims 1-5, 7, 9-11, 13-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee, U.S. Patent No. 7,047,561 (“Lee”) in view of Inoue et al., U.S. Patent No. 6,167,513 (“Inoue”). Applicants respectfully traverse the Examiner’s rejections.

First and foremost, Applicants respectfully point out that only Claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 remain pending in the application. As such, the rejections to the other claims are hereby moot. With respect to the pending claims, Applicants respectfully submit that the Examiner has failed to show a key aspect of the claimed invention. Specifically, the Examiner suggests that Lee and Inoue in combination teach each and every limitation of the independent claims. Applicants strongly disagree.

Applicants respectfully submit that both Lee and Inoue describes schemes that “filter” packets in the strict sense of determining whether a packet is allowed to pass through or not. The Examiner concedes that Lee does not teach the filtering policies being applied on a mobile node using a mobile IP protocol or associating mobile IP to the packet if the packet does not match any of the filtering. The Examiner suggests, however, that Inoue teaches this element in Column 11, lines 19-23. This section of Inoue reads as follows:

“The networks 1a, 1b and 1c are assumed to be provided with packet processing devices (that is, packet encryption gateways which are also referred to as gateways (GW) hereafter) 4a, 4b and 4c, respectively. The gateways 4a, 4b and 4c also carry out the filtering according to the prescribed security policies, but a case where the packet satisfies the passing condition at each gateway will be described in this embodiment

(because if a packet does not satisfy the passing condition, all that happen is that a packet simply cannot pass that gateway.)" (emphasis added)

Applicants respectfully submit that the use of the term "filter" in both Inoue and the presently claimed invention is deceptive. The type and purpose of the "filters" in these two systems is completely different. As is clear from the section of Inoue highlighted by the Examiner, Inoue describes a basic filtering mechanism, i.e., one that either allows or does not allow a packet through based on specified conditions. In contrast, the claimed invention is directed not to the filtering mechanism but rather to the capability of identifying characteristics of a packet and determining whether mobile IP needs to be added to a packet or not based on those characteristics. In other words, not only do embodiments of the present invention identify specific criteria associated with packets, it additionally applies this information to each packet and treats each packet uniquely, according to the identified criteria. The filters do not "allow packets to pass" or not, as described in Inoue. Instead, the filters according to embodiments of the invention serve as "packet identifiers" (or representation of policies, as claimed) that provide the system with the intelligence necessary to determine whether to apply mobile IP to the packets.

In conclusion, Applicants respectfully submit that the combination of Lee and Inoue does not render Claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 unpatentable under 35 U.S.C. § 102 and Applicants therefore respectfully request the Examiner to withdraw the rejections to these claims.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 are now in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 730-8225.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

Dated: August 20, 2008

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